

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

ANDREW CORZO, SIA HENRY, ALEXANDER
LEO-GUERRA, MICHAEL MAERLENDER,
BRANDON PIYEVSKY, BENJAMIN
SHUMATE, BRITTANY TATIANA WEAVER,
and CAMERON WILLIAMS, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA
INSTITUTE OF TECHNOLOGY, UNIVERSITY
OF CHICAGO, THE TRUSTEES OF
COLUMBIA UNIVERSITY IN THE CITY OF
NEW YORK, CORNELL UNIVERSITY,
TRUSTEES OF DARTMOUTH COLLEGE,
DUKE UNIVERSITY, EMORY UNIVERSITY,
GEORGETOWN UNIVERSITY, THE JOHNS
HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY,
NORTHWESTERN UNIVERSITY,
UNIVERSITY OF NOTRE DAME DU LAC, THE
TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY,
and YALE UNIVERSITY,

Defendants.

Case No. 1:22-cv-00125-MFK

Hon. Matthew F. Kennelly

**THE TRUSTEES OF THE UNIVERSITY OF PENNSYLVANIA’S MOTION FOR
LEAVE TO RESPOND TO PLAINTIFFS’ RESPONSE TO THE FERPA OBJECTIONS
OF DOE STUDENTS (ECF NO. 561)**

Defendant Trustees of the University of Pennsylvania (“Penn”) respectfully moves this
Court for leave to file a narrow, one-page response to Plaintiffs’ Memorandum In Response To

The Objections Of 37 Donor-Related Students To The Production Of Their FERPA-Protected Education Records By Defendants Cornell, Georgetown, and Penn (ECF No. 561) (“Response Brief”). Plaintiffs oppose the relief requested. In support of its motion, Penn states as follows:

1. Plaintiffs’ Response Brief includes unsubstantiated and erroneous speculation about the identities and family donations of the Penn students who filed FERPA objection letters. *See, e.g.*, Response Brief at 3, 9-10. Penn’s response is necessary and appropriate to correct Plaintiffs’ “misstatement of facts.” *See In re Dairy Farmers of Am., Inc.*, 80 F. Supp. 3d 838, 851 (N.D. Ill. 2015) (granting leave to file one-page response for that “limited purpose”).

2. Plaintiffs’ Response Brief also raises, for the first time, an argument regarding recent news stories about Penn that have nothing to do with this antitrust lawsuit. *See* Response Brief at 9. Addressing this new argument is grounds for allowing a response. *See Nat. Res. Def. Council v. Illinois Power Res. Generating, LLC*, 2018 WL 5777476, at *10 (C.D. Ill. Nov. 2, 2018) (granting leave to respond to reply brief that raised “new and unexpected issues”). Penn’s response will ensure “completeness of the record.” *Skipper Marine Holding Inc. v. Azimut Benetti S.p.A.*, 2013 WL 1414950, at *1 n.2 (E.D. Wis. Apr. 4, 2013).

3. The response will not prejudice Plaintiffs, as it only corrects Plaintiffs’ speculative misstatements of fact and does not raise any new arguments.

4. Penn’s proposed response is attached to this Motion as Exhibit 1.

Wherefore, Penn respectfully requests that this Court grant Penn’s motion for leave to respond to Plaintiffs’ Response Brief, as set forth in the attached proposed order.

Dated: December 20, 2023

By: /s/ David Gringer

David Gringer

Alan Schoenfeld

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